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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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CARLOS OCHOA-OROZCO, #26996-078

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:20-CV-518

CRIMINAL ACTION NO. 4:17-CR-47(2)

**MEMORANDUM OPINION AND ORDER**

Carlos Ochoa-Orozco filed a motion for leave to appeal *in forma pauperis* (#38). Appellant may proceed *in forma pauperis* on appeal only if he is economically eligible and presents a nonfrivolous issue. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). A review of the case shows that, on October 25, 2023, the Court denied Movant's Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60(b) because it was without merit (#32). On July 24, 2024, the Court denied a certificate of appealability (#36). Because Movant has neither presented a nonfrivolous issue nor shown that he is entitled to a certificate of appealability, he also has not shown that he is entitled to proceed *in forma pauperis* on appeal. *United States v. Delario*, 120 F.3d 580, 582 (5th Cir. 1997).

It is therefore **ORDERED** Movant's motion for leave to appeal *in forma pauperis* (#38) is **DENIED**.

SIGNED at Beaumont, Texas, this 7th day of November, 2024.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE